

## REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

No amendments to the claims are made. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 1-19, 25-29, 31-35, 37, 40-43, 46, and 48 are now pending in this application.

### **Withdrawal of Finality of Rejection**

In the previous response, Applicant amended Claims 1 and 43 by removing the term “whereby.” Applicant further amended Claim 1 to delete the phrase “can do any one of” and replaced the phrase with the term “to.” Despite this minor change, this Office Action was made final. MPEP 706.7(a) indicates that:

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant’s amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

Here, the Examiner has entered a new ground of rejection. However, this new ground of rejection is not necessitated by Applicant’s amendment because **Applicant did not change the scope of the claims with the minor changes to claims 1 and 43 in the previous response.** Further, this new ground of rejection is not necessitated by information submitted in an IDS because no such IDS was entered with the previous response. Accordingly, Applicant respectfully requests withdrawal of the finality of the rejection.

**Rejections under 35 U.S.C. 103(a)**

On page 2 of the Office Action, Claims 1-19, 25-29, 31-35, 37, 40-43, 46, and 48 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over LeBrun et al. in view of Anderson. Applicant respectfully traverses the rejection. MPEP § 2143 states:

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

First, there is no suggestion or motivation to combine LeBrun et al. with Anderson either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. Second, there is not a reasonable expectation of success in combining LeBrun et al. with Anderson. Third, neither LeBrun et al. nor Anderson alone or in combination disclose, teach, or suggest the claimed invention as recited in Claims 1-19, 25-29, 31-35, 37, 40-43, 46, and 48.

**Motivation to Combine**

There is no motivation to combine LeBrun et al. with Anderson because both LeBrun et al. and Anderson are complete and functional without the other. LeBrun et al. describes “an image based document processing and information management system. ... The system converts documents, such as forms and supporting pages, into digital data.” (LeBrun et al., Abstract). Anderson describes an electronic payment system and method that includes “billing equipment for creating approval records and generating approval numbers.” (Anderson, Abstract). “The bill payment system includes billing equipment which generates billing statements, assigns a unique approval numbers [sic] for the bill of each pre-authorized subscriber, and creates an approval record for each pre-authorized subscriber.” (Anderson, Col. 11, lines 7-11). “The electronic bill payment system also includes a payment approval apparatus into which the subscriber dials to approve payment.” (Anderson, Col. 11, lines 19-21). The system of Anderson is described as electronic. Thus, there is no discernible reason why the

system of Anderson would have utility for the “image based document processing and information management system” of LeBrun et al.

**Reasonable Expectation of Success**

There is not a reasonable expectation of success in combining LeBrun et al. with Anderson. Examiner states:

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of LeBrun et al. to provide users access via the public switch telephony network to modify, access and complete transactions as taught by Anderson, in order to lower the administrative costs associated with the clerks of LeBrun et al.

(Page 3, Office Action dated 7/14/2004)

Applicant respectfully disagrees. Anderson discloses the user receiving a bill to which the “electronic bill payment system assigns a unique approval number .... Upon reviewing the billing statement ..., the subscriber can approve the electronic payment of the bill by dialing, ..., into the payment approval apparatus and entering the assigned approval number.” (Anderson, Col. 4, lines 44-46). LeBrun et al. discloses a document imaging system that “can capture an optical image of numerous intermixed documents of different sizes and format **taken directly from opened mail.**” (LeBrun et al., Col. 2, lines 56-58, Emphasis added).

The system disclosed in LeBrun et al. receives documents. The system disclosed in Anderson sends the documents, and thus, can assign the unique approval number sent to the subscriber that is used to pay the bill. If LeBrun et al. is combined with Anderson, how is the unique approval number assigned and how is this information transmitted to the user? There is no disclosure in either LeBrun et al. or Anderson describing how a user, without assistance from clerks, can retrieve multiple documents that the user did not receive. Thus, there is no reasonable expectation of success in combining LeBrun et al. with Anderson.

**Teach or Suggest All the Claim Limitations**

Claims 1-19, 25-29, 31-35, 43, 46, and 48. Claims 1-19, 25-29, and 31-35 depend from Claim 1. Claims 46 and 48 depend from Claim 43.

Claim 1 recites:

displaying commercial transaction information on a user interface at the remote device for a seller and a buyer to access, manage, modify, maintain, and conclude their commercial transactions.

Claim 43 recites:

means for displaying commercial transaction information on a user interface at the remote device, allowing a seller and a buyer to access, manage, modify, maintain, and conclude their commercial transactions

With respect to claims 1 and 43, the Examiner states that LeBrun et al. “does not specifically teach displaying information on a user interface at a remote device to access, manage, modify, maintain and conclude transactions.” (Page 3, Office Action dated 7/14/2004). The Examiner points to Anderson as providing this teaching. Specifically, the Examiner states:

Anderson teaches a system and method for paying bills electronically. In particular a user submits a pre-authorization form which is scanned in and saved as permanent reference information (column 7; lines 39-45). After this process the user can utilize the public switched telephony network to view, access and complete transaction (pay bills) (e.g. column 7; lines 12-17 and column 8; lines 1-25).

(Page 3, Office Action dated 7/14/2004)

Applicant respectfully disagrees. There is no suggestion or teaching in Anderson of “displaying commercial transaction information on a user interface at the remote device for a seller and a buyer to access, manage, modify, maintain, and conclude their commercial transactions.” Examiner points to Col. 7, lines 39-45 in Anderson.

Submission of a pre-authorization form along with other required documentation triggers a pre-authorization transaction. As shown in the flow diagram of FIG. 6, this transaction entails processing the information provided in the form into the billing equipment which may entail scanning the voided blank check and pre-authorization form as permanent reference information (step 822). As a result of the transaction, an approval record is created for the subscriber, which identifies the subscriber as having electronic bill payment privileges. (Anderson, Col. 7, lines 38-47)

The pre-authorization form is not commercial transaction information. Additionally, Anderson does not disclose, suggest, or teach displaying the pre-authorization form on a user interface. Examiner also points to Col. 7, lines 12-17 in Anderson.

The telephone company billing equipment 200 notifies subscribers of billing charges (step 800) usually by sending, via regular mail, a billing statement itemizing service and usage charges, taxes, etc. for the billing period. Alternatively, it is conceivable that subscribers could be **notified of current charges** in a manner other than a written billing statement through the mail. For example, technological advancements in the communications industry could permit **an itemized list of current charges to be electronically accessed** by subscribers via computer or by dialing up, via the public switched telephony network, an interactive data base maintaining billing information.

(Anderson, Col. 7, lines 38-47, Emphasis added)

Thus, Anderson does not suggest, teach, or disclose “displaying commercial transaction information on a user interface at the remote device for a seller and a buyer to access, manage, modify, maintain, and conclude their commercial transactions.” Examiner also points to Col. 8, lines 1-25 in Anderson.

Once the subscriber has reviewed the billing statement of charges and is satisfied that the charges are correct (step 845 of FIG. 4A), then the subscriber can effect payment simply by following the **dialing instructions** included in the billing statement (step 865). **Upon dialing into the network**, the subscriber is connected to the payment approval apparatus 300 (FIGS. 1 and 3), which prompts the subscriber to enter the payment approval number.

(Anderson, Col. 8, lines 1-9, Emphasis added)

As shown in FIGs. 1 and 3 of Anderson, the subscriber uses a telephone to dial into the payment approval apparatus. No display is provided at the telephone.

Thus, neither LeBrun et al. nor Anderson disclose, suggest, or teach “displaying commercial transaction information on a user interface at the remote device for a seller and a buyer to access, manage, modify, maintain, and conclude their commercial transactions.” As a result, LeBrun et al. and Anderson fail to disclose, suggest, or teach all of the limitations of Claims 1 and 43. An obviousness rejection cannot be properly maintained where the references used in the rejection do not disclose all of the recited claim elements. As a result, Applicant respectfully requests withdrawal of the rejection of Claims 1 and 43. Applicant respectfully traverses any arguments posed by Examiner relative to claims 2-19, 25-29, 31-35, 46, and 48 because these claims are allowable for at least the reasons outlined above relative to claims 1 and 43. Therefore, Applicant respectfully requests withdrawal of the rejection of claims 1-19, 25-29, 31-35, 43, 46, and 48.

Claims 37 and 40-42. Claims 40-42 depend from Claim 37. Claim 37 recites:

a communication module that communicates commercial transaction information between a central server and a remote device, the communication module enabling the plurality of companies access to commercial transaction information.

Neither LeBrun et al. nor Anderson mention a communication module enabling a plurality of companies access to commercial transaction information, as recited in claim 37. LeBrun et al. only discloses access by a clerk who processes customer inquiries (LeBrun et al., Col. 22, lines 40-49). Anderson only discloses “**an itemized list of current charges** to be electronically accessed by subscribers.” (Anderson, Col. 7, lines 14-15).

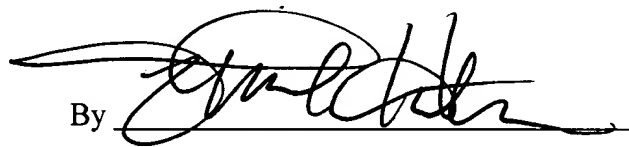
Thus, neither LeBrun et al. nor Anderson disclose, suggest, or teach “a communication module that communicates commercial transaction information between a central server and a remote device, the communication module enabling the plurality of companies access to commercial transaction information.” As a result, LeBrun et al. and Anderson fail to disclose, suggest, or teach all of the limitations of Claim 37. An obviousness rejection cannot be properly maintained where the references used in the rejection do not disclose all of the recited claim elements. As a result, Applicant respectfully requests withdrawal of the rejection of Claim 37. Applicant respectfully traverses any arguments posed by Examiner relative to claims 40-42

because these claims are allowable for at least the reasons outlined above relative to Claim 37. Therefore, Applicant respectfully requests withdrawal of the rejection of claims 37 and 40-42.

Applicant believes that the present application is in condition for allowance. Favorable reconsideration of the application is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2350. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2350. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2350.

Respectfully submitted,

By 

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